

9. In addition to my Establishment Clause work, which constitutes approximately thirty percent of my practice, I am also involved in litigation involving employment matters, commercial disputes, and intellectual property matters.

10. I have been lead counsel for FFRF in matters venued throughout the United States, including at least Wisconsin, Texas, Arizona, Montana, California, Colorado, Minnesota, Pennsylvania, Washington, and the District of Columbia.

11. My representation in matters involving the Establishment Clause has involved many significant cases.

12. For example, I represented FFRF in successfully challenging President Bush's Faith-Based and Community Initiatives program in the Seventh Circuit Court of Appeals. Although the United States Supreme Court subsequently reversed that decision on grounds of standing, while significantly changing the rules related to taxpayer standing, the Court did not address the merits.

13. I also successfully represented FFRF in a challenge to the National Day of Prayer in federal district court and in Colorado state court. In both cases, prayer proclamations by President O'Bama and the Governor of Colorado were declared to be in violation of the Establishment Clause. Again, in the federal case, the Seventh Circuit Court of Appeals reversed on grounds of standing, as did the Colorado State Supreme Court, but neither court addressed the merits.

14. More recently, I successfully represented FFRF in an Establishment Clause challenge to the exemption for cash housing allowances provided by the Internal Revenue Service exclusively to ministers of churches, totaling billions of dollars. FFRF first successfully challenged the minister's housing allowance in 2014, but the district court decision was reversed

by the Seventh Circuit Court of Appeals on failure to exhaust grounds. The housing allowance case was subsequently refiled, and the district court again declared the housing allowance to be unconstitutional in October of 2017. That matter is now on appeal to the Seventh Circuit.

15. The law relating to the Establishment Clause has changed significantly during the 25 years that I have represented FFRF. When I began in this area, taxpayer standing was a meaningful basis for challenging government-funded programs with express religious content. Since the United States Supreme Court's *Hein* decision involving FFRF, however, taxpayer-standing cases have become less frequent.

16. More recently, Establishment Clause challenges, including claims by religious organizations, have focused upon access and preference issues, as in the present case.

17. The pending litigation involving FFRF and Governor Abbott and the Texas State Preservation Board has been vigorously contested by the Defendants, resulting in significant time and expense for FFRF.

18. The Defendants filed multiple dispositive motions in this case, contesting virtually everything imaginable, including their claim that FFRF waived its constitutional rights. In the end, however, virtually all the hours I dedicated to this matter were inextricably intertwined with FFRF's free speech claims in that they arose from the same facts and were based on related legal theories.

19. Attached to this Declaration as Exhibit 1 is a spreadsheet that truly and correctly records the activities and time that I have spent working on this matter.

20. I believe that all of the recorded time was reasonable and necessary, but I have made several downward adjustments that I will describe.

21. First, travel time for hearings and depositions, totaling 55 hours, has been billed at \$140 per hour, which is less than half my regular billing rate of \$350 per hour. Travel time is not otherwise discounted when billed to FFRF. Here, this discount amounts to a reduction of \$11,550.

22. Exhibit 1 also shows 23.5 hours of recorded time for which no charge is included.

23. I have also attempted to identify all hours related to initial research and drafting of the Complaint, which are highlighted in pink on Exhibit 1. The time spent for this initial research and drafting totaled approximately 53.8 hours. All of this time was billed at \$350 per hour. In our final calculation of fees for this Petition, however, I have reduced that time to 40 hours, in the exercise of billing discretion. Instead of requesting 53.8 hours at \$350 per hour, equaling \$18,550, I have reduced that amount of my time to 40 hours at \$350 per hour, equaling \$14,000 for initial research and drafting of the Complaint. This results in a discount of approximately 25%.

24. I have also highlighted in green on Exhibit 1 those time entries allocable to research and drafting of FFRF's brief in response to the Defendants' initial Motion to Dismiss.

25. I have calculated approximately 83.9 hours for this activity billed at \$350 per hour, for a total of approximately \$29,635. In our final calculation, however, I have reduced the time for this activity to 60 hours at \$350 per hour, equaling \$21,000. This represents approximately a 23% write down, justified in terms of billing discretion and for the unsuccessful claim relating to "unbridled discretion" by the Defendants.

26. Hours worked on later summary judgment briefing and response are highlighted in orange on Exhibit 1.

27. The time spent on summary judgment matters totaled approximately 47.8 hours billed at \$350 per hour, equaling \$16,730. Again, for purposes of exercising billing discretion, I have reduced that time to 35 hours billed at \$350 per hour, equaling \$12,250. This equals more than a 26% discount for purposes of billing discretion.

28. Time spent drafting and responding to a second round of summary judgment motions is highlighted in yellow on Exhibit 1. The time spent on the second round of summary judgment briefing totals approximately 42.5 hours billed at \$350 per hour, equaling \$14,875. Again, for purposes of our fee petition, I have reduced this time to 30 hours billed at \$350 per hour, equaling \$10,500. This represents more than a 29% discount for purposes of billing discretion.

29. I have also calculated 75.7 hours for discovery related issues, including drafting document production requests to the Defendants; work related to document production by FFRF; preparation and conduct of three adverse depositions; preparation and defense of two depositions by Defendants; and review of documents produced by the Defendants. The discovery related time entries have been highlighted in blue on Exhibit 1 attached to this Declaration.

30. Based on my experience, I believe that all of the discovery related time was necessary and reasonable in the conduct of this litigation.

31. The balance of my time entries on Exhibit 1 that have not been highlighted relate to miscellaneous tasks, including preparation for and attendance at hearings and matters related to discussions involving opposing counsel.

32. Again, I believe that the time spent on the miscellaneous tasks was necessary and reasonable in the conduct of this litigation.

33. In the end, therefore, the total amount of fees requested for the work performed by myself is equal to 313.35 hours multiplied by my billing rate of \$350 per hour, plus 55 hours of travel time at \$140 per hour, equaling \$117,372.50. This amount represents a discount of approximately 15.5% compared to the total amount actually worked and billed.

34. In my professional judgment, having worked in litigation for more than 30 years, and more than 25 years in the area of Establishment Clause litigation, it is my opinion that the time and charges claimed were necessary and reasonable in the handling of this matter-- and less than other comparably experienced lawyers in this area of the law change.

35. With respect to my hourly rate of \$350 per hour, it is my opinion that this rate is conservative and certainly reasonable based on my experience and the nature of the issues involved.

36. As to expenses incurred in this matter, a first item in the amount of \$400 represents the filing fee in this matter, which is identified on the Docket Report by Receipt No. 0542-8233715, entered on February 25, 2016. This item is also included in our Bill of Costs and should not be double counted.

37. Attached to this Declaration as Exhibit 2 is a listing of my travel expenses that I reasonably incurred in travel to and from hearings and depositions, which expenses are customarily charged to FFRF.

38. Exhibit 3 to my Declaration constitutes the receipt for airline travel expense for deposition of Mr. Sneed in Washington, D.C., which is the only travel expense for which this fee petition makes request for reimbursement.

39. Based on my judgment and experience, I believe that the travel expenses are reasonable and were necessarily incurred.

40. Exhibit 4 to my Declaration provides the documentation for deposition transcripts that were necessarily obtained for use in this matter, including for purposes of responding to dispositive motions.

41. The total expense for deposition transcripts documented in Exhibit 4 is \$3,557.36, which expense was reasonable and necessary in my professional opinion. Transcript costs also are included in the Bill of Costs and should not be double counted.

42. Exhibit 5 to my Declaration is a true and correct itemization of Westlaw online research charges incurred for this matter. The total amount that would customarily be charged to our client for these charges is \$10,121.28. For purposes of this fee petition, however, these charges are reduced to \$3,500.

43. Exhibit 6 to my Declaration provides a summary of the time and expenses that I have incurred in this matter, which are claimed in this fee petition.

44. Based on my professional experience, it is my opinion that the fees and expenses itemized in Exhibit 5 were reasonably and necessarily incurred in the handling of this matter.

Dated this 3rd day of July, 2018.


Richard L. Bolton

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Date	Attorney	Time	Fees	Fees Billed	Narrative
12/22/2015	RLB	1.3	\$ 350.00	\$ 455.00	Research regarding Texas/Abbott.
12/23/2015	RLB	1	\$ 350.00	\$ 350.00	Conference regarding Texas situation.
12/29/2015	RLB	2.1	\$ 350.00	\$ 735.00	Research regarding public forum.
12/30/2015	RLB	2.5	\$ 350.00	\$ 875.00	Research regarding public forum.
1/4/2016	RLB	2.3	\$ 350.00	\$ 805.00	Research regarding limited public forum.
1/6/2016	RLB	1	\$ 350.00	\$ 350.00	Research regarding Governor Abbott claim.
1/7/2016	RLB	3.2	\$ 350.00	\$ 1,120.00	Research regarding speech issue.
1/11/2016	RLB	0.8	\$ -	\$ -	Review Local Rules of Texas court. (No charge)
1/12/2016	RLB	3	\$ 350.00	\$ 1,050.00	Research regarding public forum issues.
1/13/2016	MESS	0.2	\$ -	\$ -	Pick up copy of Certificate of Good Standing (No charge)
1/14/2016	RLB	3	\$ -	\$ -	Research and investigate Governor Abbott's prior instances. (No charge)
1/15/2016	RLB	1.3	\$ -	\$ -	Research regarding local admission requirements; prepare papers for admission. (No charge)
1/18/2016	RLB	0.5	\$ 350.00	\$ 175.00	Working on drafting complaint.
1/26/2016	RLB	0.3	\$ -	\$ -	Telephone conference regarding local counsel arrangements. (No charge)
1/29/2016	RLB	2.2	\$ 350.00	\$ 770.00	Research regarding public forum; work on complaint.
1/30/2016	RLB	1.5	\$ 350.00	\$ 525.00	Work on complaint.
1/31/2016	RLB	5	\$ 350.00	\$ 1,750.00	Work on complaint; review research and apply to facts.
2/1/2016	RLB	2.2	\$ 350.00	\$ 770.00	Work on complaint; research 11th Amendment issue.
2/2/2016	RLB	4.5	\$ 350.00	\$ 1,575.00	Draft complaint.
2/3/2016	RLB	0.5	\$ 350.00	\$ 175.00	Draft complaint.
2/3/2016	RLB	0.5	\$ 350.00	\$ 175.00	Work on complaint.
2/4/2016	RLB	3	\$ 350.00	\$ 1,050.00	Draft Complaint; research regarding Ex Parte Young doctrine.
2/5/2016	RLB	3	\$ 350.00	\$ 1,050.00	Work on complaint; research Eleventh Amendment.
2/5/2016	RLB	1.1	\$ -	\$ -	Research regarding Governor Abbott incidents. (No charge)
2/7/2016	RLB	2.1	\$ 350.00	\$ 735.00	Review First Amendment research.
2/7/2016	RLB	0.5	\$ 350.00	\$ 175.00	Work on complaint.
2/8/2016	RLB	2	\$ 350.00	\$ 700.00	Work on Texas complaint.
2/8/2016	RLB	1.5	\$ 350.00	\$ 525.00	Research regarding individual capacity issues.
2/8/2016	RLB	2.2	\$ 350.00	\$ 770.00	Work on edits to Complaint.
2/9/2016	RLB	1	\$ -	\$ -	Telephone conferences and edits regarding Complaint. (No charge)
2/9/2016	RLB	2.5	\$ 350.00	\$ 875.00	Work on Texas complaint.
2/10/2016	RLB	3.3	\$ 350.00	\$ 1,155.00	Research regarding individual capacity liability and sovereign immunity.
2/11/2016	RLB	1.3	\$ -	\$ -	Telephone conferences regarding Texas complaint; research. (No charge)
2/12/2016	RLB	0.8	\$ 350.00	\$ 280.00	Edits to Texas complaint; research regarding local counsel.
2/18/2016	RLB	0.6	\$ 350.00	\$ 210.00	Edits to complaint.
2/19/2016	RLB	1	\$ -	\$ -	Telephone call with local counsel regarding representation. (No charge)
2/23/2016	RLB	1	\$ -	\$ -	Prepare case filing documentation; fee agreement execution for local counsel. (No charge)
2/24/2016	RLB	0.5	\$ -	\$ -	Telephone conferences with local counsel regarding case initiation. (No charge)
2/25/2016	RLB	0.7	\$ 350.00	\$ 245.00	Finalize complaint.
2/26/2016	RLB	0.3	\$ -	\$ -	Telephone conference with Attorney Dan Byrne regarding media contact. (No charge)
2/29/2016	RLB	0.4	\$ -	\$ -	Review media reports regarding Texas suit. (No charge)
3/3/2016	RLB	0.75	\$ 350.00	\$ 262.50	Sign oath for Texas at Federal Courthouse; conference with FFRF attorneys.
4/1/2016	RLB	0.8	\$ 350.00	\$ 280.00	Review motion to dismiss by Abbott.
4/22/2016	RLB	3.7	\$ 350.00	\$ 1,295.00	Research regarding motion to dismiss.
4/23/2016	RLB	1.2	\$ 350.00	\$ 420.00	Research regarding forum analysis.
4/24/2016	RLB	6.5	\$ 350.00	\$ 2,275.00	Work on response to motion to dismiss.
4/25/2016	RLB	2.2	\$ 350.00	\$ 770.00	Work on Amended Complaint.
4/25/2016	RLB	3	\$ 350.00	\$ 1,050.00	Research regarding offensive speech.
4/26/2016	RLB	2.5	\$ 350.00	\$ 875.00	Research regarding hate speech.
4/26/2016	RLB	2	\$ 350.00	\$ 700.00	Work on Amended Complaint.
4/27/2016	RLB	1	\$ 350.00	\$ 350.00	Work on Amended Complaint; finalize same.
4/29/2016	RLB	1.5	\$ 350.00	\$ 525.00	Research regarding hate speech issue.
4/30/2016	RLB	2	\$ 350.00	\$ 700.00	Research regarding release enforceability for own negligence and wrongful acts.
5/1/2016	RLB	3.5	\$ 350.00	\$ 1,225.00	Work on motion response; research.
5/2/2016	RLB	3.2	\$ 350.00	\$ 1,120.00	Work on motion response.
5/3/2016	RLB	2.1	\$ 350.00	\$ 735.00	Work on motion response; review research.
5/10/2016	RLB	2.6	\$ 350.00	\$ 910.00	Research regarding protected speech and satire.

EXHIBIT 1

5/11/2016	RLB	1.5	\$ 350.00	\$ 525.00	Research and work on opposition brief.
5/12/2016	RLB	2.3	\$ 350.00	\$ 805.00	Work on opposition brief.
5/12/2016	RLB	3.5	\$ 350.00	\$ 1,225.00	Research regarding private versus government speech.
5/13/2016	RLB	3	\$ 350.00	\$ 1,050.00	Work on opposition brief.
5/14/2016	RLB	1.5	\$ 350.00	\$ 525.00	Review Texas motion to dismiss; research regarding response.
5/16/2016	RLB	2.5	\$ 350.00	\$ 875.00	Research regarding opposition brief.
5/17/2016	RLB	2.7	\$ 350.00	\$ 945.00	Work on opposition brief.
5/18/2016	RLB	3	\$ 350.00	\$ 1,050.00	Research regarding opposition brief.
5/19/2016	RLB	3.8	\$ 350.00	\$ 1,330.00	Research; draft brief regarding protected speech.
5/20/2016	RLB	3.5	\$ 350.00	\$ 1,225.00	Work on opposition brief.
5/22/2016	RLB	3	\$ 350.00	\$ 1,050.00	Research and work on response brief.
5/23/2016	RLB	3.8	\$ 350.00	\$ 1,330.00	Work on brief regarding dismissal motion.
5/24/2016	RLB	4	\$ 350.00	\$ 1,400.00	Research and work on brief regarding qualified immunity.
5/25/2016	RLB	5.2	\$ 350.00	\$ 1,820.00	Work on brief opposing motion.
5/26/2016	RLB	6.5	\$ 350.00	\$ 2,275.00	Draft and edit response brief.
5/26/2016	RLB	0.5	\$ 350.00	\$ 175.00	Rule 26 conference with Attorney Mackin.
5/27/2016	RLB	7	\$ 350.00	\$ 2,450.00	Draft, edit, and finalize response brief.
5/30/2016	RLB	0.5	\$ 350.00	\$ 175.00	Edits to proposed scheduling order.
5/31/2016	RLB	0.6	\$ 350.00	\$ 210.00	Draft discovery plan form; telephone conference with Attorney Mackin.
6/16/2016	RLB	0.3	\$ 350.00	\$ 105.00	Final review of scheduling order.
6/17/2016	RLB	1.2	\$ 350.00	\$ 420.00	Research; prepare for motion hearing.
6/18/2016	RLB	0.5	\$ 350.00	\$ 175.00	Prepare for motion hearing.
6/19/2016	RLB	3	\$ 350.00	\$ 1,050.00	Prepare for hearing.
6/19/2016	RLB	5	\$ 140.00	\$ 700.00	Travel to Austin.
6/20/2016	RLB	4	\$ 350.00	\$ 1,400.00	Prepare for hearing; attend motion hearing.
6/20/2016	RLB	6	\$ 140.00	\$ 840.00	Return travel to Madison.
6/21/2016	RLB	0.7	\$ 350.00	\$ 245.00	Conference with client regarding motion hearing in Austin, Texas.
6/22/2016	RLB	0.3	\$ 350.00	\$ 105.00	Review Judge Spark's order denying motion.
6/23/2016	RLB	0.3	\$ 350.00	\$ 105.00	Telephone conference with Attorney Mackin regarding interest in settlement and terms.
6/29/2016	RLB	1.2	\$ 350.00	\$ 420.00	Research regarding summary judgment.
6/30/2016	RLB	1.5	\$ 350.00	\$ 525.00	Draft discovery requests to Defendants.
7/11/2016	RLB	3	\$ 350.00	\$ 1,050.00	Work on summary judgment submission.
7/12/2016	RLB	1	\$ -	\$ -	Conference with Attorney Grover regarding strategies. (No charge)
7/15/2016	RLB	1.5	\$ 350.00	\$ 525.00	Research regarding waiver issues.
7/23/2016	RLB	0.5	\$ -	\$ -	Conference with Attorney Elliott regarding discovery strategy. (No charge)
8/2/2016	RLB	1.2	\$ 350.00	\$ 420.00	Review documents from Texas.
8/2/2016	RLB	2	\$ 350.00	\$ 700.00	Review Abbott document production.
8/3/2016	RLB	1	\$ 350.00	\$ 350.00	Review documents.
8/3/2016	RLB	1.5	\$ 350.00	\$ 525.00	Continue review of documents from Texas and select exhibits for summary judgment brief.
8/12/2016	RLB	1.2	\$ 350.00	\$ 420.00	Work on FFRF document production.
8/14/2016	RLB	2	\$ 350.00	\$ 700.00	Work on Grover declaration.
8/15/2016	RLB	0.8	\$ 350.00	\$ 280.00	Finalize document production.
8/16/2016	RLB	0.7	\$ 350.00	\$ 245.00	Work on stipulation of facts with Attorney Mackin.
8/16/2016	RLB	3.3	\$ 350.00	\$ 1,155.00	Work on summary judgment submissions.
8/17/2016	RLB	3.7	\$ 350.00	\$ 1,295.00	Work on Grover declaration and exhibits.
8/18/2016	RLB	4.5	\$ 350.00	\$ 1,575.00	Work on summary judgment brief and exhibits.
8/19/2016	RLB	5	\$ 350.00	\$ 1,750.00	Work on summary judgment brief.
8/20/2016	RLB	0.5	\$ 350.00	\$ 175.00	Review Texas summary judgment brief.
8/25/2016	RLB	0.3	\$ 350.00	\$ 105.00	Review letter from Preservation Board regarding 2016 application.
9/14/2016	RLB	2	\$ 350.00	\$ 700.00	Research regarding disparaging language; review Tam case by Federal Circuit Court.
9/15/2016	RLB	3	\$ 350.00	\$ 1,050.00	Research and work on summary judgment reply brief.
9/16/2016	RLB	3.5	\$ 350.00	\$ 1,225.00	Work on summary judgment reply brief.
9/17/2016	RLB	5.4	\$ 350.00	\$ 1,890.00	Draft and research regarding summary judgment reply brief.
9/18/2016	RLB	7.5	\$ 350.00	\$ 2,625.00	Work on summary judgment reply brief.
9/19/2016	RLB	3	\$ 350.00	\$ 1,050.00	Work on and finalize summary judgment reply.
11/10/2016	RLB	0.8	\$ -	\$ -	Update research regarding government speech. (No charge)
11/22/2016	RLB	1	\$ -	\$ -	Update research regarding government speech. (No charge)
11/23/2016	RLB	0.3	\$ 350.00	\$ 105.00	Draft and finalize supplemental citation to authority.

11/30/2016	RLB	0.4	\$ -	\$ -	Update research regarding government speech. (No charge)
12/6/2016	RLB	0.5	\$ -	\$ -	Update research regarding government speech and public forum. (No charge)
12/15/2016	RLB	0.6	\$ -	\$ -	Research regarding government speech. (No charge)
12/22/2016	RLB	0.5	\$ 350.00	\$ 175.00	Review Court's summary judgment decision.
12/28/2016	RLB	0.5	\$ -	\$ -	Research regarding viewpoint discrimination. (No charge)
1/10/2017	RLB	1	\$ -	\$ -	Update research. (No charge)
1/24/2017	RLB	0.8	\$ -	\$ -	Update research regarding public forum. (No charge)
2/15/2017	RLB	0.8	\$ -	\$ -	Update research regarding public forum analysis and government speech. (No charge)
2/28/2017	RLB	1	\$ -	\$ -	Update research regarding forum and government speech. (No charge)
3/27/2017	RLB	0.7	\$ 350.00	\$ 245.00	Prepare settlement letter and witness disclosures.
4/3/2017	RLB	0.2	\$ 350.00	\$ 70.00	Review Mackin email regarding scheduling.
4/5/2017	RLB	0.8	\$ -	\$ -	Update research regarding public forum analysis. (No charge)
4/6/2017	RLB	0.8	\$ 350.00	\$ 280.00	Review objection to Abbott deposition; research regarding "high government official" issue.
4/6/2017	RLB	0.5	\$ 350.00	\$ 175.00	Review Mackin email regarding Abbott/Sneed depositions; research high government official immunity.
4/10/2017	RLB	0.3	\$ 350.00	\$ 105.00	Review Texas settlement letter and witness list.
4/10/2017	RLB	0.4	\$ 350.00	\$ 140.00	Prepare notices of depositions.
4/12/2017	RLB	1	\$ 350.00	\$ 350.00	Preparation regarding depositions.
4/13/2017	RLB	1.4	\$ 350.00	\$ 490.00	Communications regarding Abbott deposition and refusal to produce.
4/17/2017	RLB	0.4	\$ 350.00	\$ 140.00	Prepare notices of depositions.
4/18/2017	RLB	0.7	\$ 350.00	\$ 245.00	Review Abbott's Motion for Protective Order; exchange communications with Attorney Mackin regarding Sneed deposition; prepare subpoena for Sneed.
4/19/2017	RLB	2.5	\$ 350.00	\$ 875.00	Research regarding high government official deposition rule.
4/21/2017	RLB	1.3	\$ 350.00	\$ 455.00	Draft written discovery to defendants.
4/22/2017	RLB	1	\$ 350.00	\$ 350.00	Prepare for Davis deposition.
4/23/2017	RLB	5	\$ 350.00	\$ 1,750.00	Prepare for Davis deposition.
4/23/2017	RLB	5	\$ 140.00	\$ 700.00	Travel to Austin, TX for Davis deposition.
4/24/2017	RLB	5	\$ 350.00	\$ 1,750.00	Prepare for Davis deposition; conduct Davis deposition.
4/24/2017	RLB	6	\$ 140.00	\$ 840.00	Travel back to Madison.
4/25/2017	RLB	2.5	\$ 350.00	\$ 875.00	Draft 30(b)(6) topics; work on brief opposing protective order.
4/26/2017	RLB	3	\$ 350.00	\$ 1,050.00	Work on declaration; research regarding protective order; work on brief opposing protective order.
4/27/2017	RLB	6.2	\$ 350.00	\$ 2,170.00	Work on brief opposing protective order; work on 30(b)(6) subpoena.
4/28/2017	RLB	0.4	\$ 350.00	\$ 140.00	Review motion for judgment on the pleadings.
4/28/2017	RLB	0.4	\$ 350.00	\$ 140.00	Finalize Rule 30(b)(6) topics; review motion to extend deadlines.
5/4/2017	RLB	0.5	\$ 350.00	\$ 175.00	Review Rule 30(b)(6) objection by Attorney Mackin.
5/8/2017	RLB	1	\$ 350.00	\$ 350.00	Analyze discovery issues.
5/11/2017	RLB	1	\$ 350.00	\$ 350.00	Draft reply brief regarding motion to extend discovery.
5/13/2017	RLB	1.4	\$ 350.00	\$ 490.00	Research regarding motion to dismiss personal capacity claims.
5/14/2017	RLB	5.5	\$ 350.00	\$ 1,925.00	Research; work on opposition to motion for judgment on the pleadings.
5/17/2017	RLB	0.6	\$ 350.00	\$ 210.00	Work on discovery responses.
5/25/2017	RLB	1.7	\$ 350.00	\$ 595.00	Prepare with Annie Laurie Gaylor and Sam Grover for depositions; work on discovery responses.
5/26/2017	RLB	6.5	\$ 350.00	\$ 2,275.00	Work on discovery responses; defend depositions of Sam Grover and Annie Laurie Gaylor.
5/26/2017	JN2	2.9	\$ 350.00	\$ 1,015.00	Scan and Bates number next set of documents for production. FFRF000195-482
5/31/2017	RLB	0.7	\$ 350.00	\$ 245.00	Prepare for hearing on motions.
6/5/2017	RLB	1.5	\$ 350.00	\$ 525.00	Prepare for hearing.
6/5/2017	RLB	6	\$ 140.00	\$ 840.00	Travel to Austin.
6/6/2017	RLB	2	\$ 350.00	\$ 700.00	Prepare for hearing; attending hearing.
6/6/2017	RLB	6.5	\$ 140.00	\$ 910.00	Return travel.
6/19/2017	RLB	1.3	\$ 350.00	\$ 455.00	Review and analyze Supreme Court decision on First Amendment/disparagement.
6/21/2017	RLB	0.8	\$ 350.00	\$ 280.00	Preparation for deposition.
6/22/2017	RLB	3	\$ 350.00	\$ 1,050.00	Sneed deposition preparation.
6/23/2017	RLB	3	\$ 140.00	\$ 420.00	Travel to Washington D.C..
6/24/2017	RLB	2.5	\$ 350.00	\$ 875.00	Conduct deposition.
6/25/2017	RLB	7.5	\$ 140.00	\$ 1,050.00	Return to Madison.
6/26/2017	RLB	2	\$ 350.00	\$ 700.00	Update research regarding public forum and speech analysis.
6/27/2017	RLB	0.5	\$ 350.00	\$ 175.00	Work on Rule30(b)(6) topics.
6/28/2017	RLB	1.2	\$ 350.00	\$ 420.00	Review analysis of Supreme Court Tam decision.
6/30/2017	RLB	0.8	\$ 350.00	\$ 280.00	Research regarding Supreme Court disparagement/speech decision.
7/13/2017	RLB	1.7	\$ 350.00	\$ 595.00	Prepare for 30(b)(6) deposition.
7/16/2017	RLB	0.7	\$ 350.00	\$ 245.00	Prepare for depositions.

7/17/2017	RLB	4	\$ 140.00	\$ 560.00	Travel to Austin.
7/17/2017	RLB	2.5	\$ 350.00	\$ 875.00	Prepare for deposition.
7/18/2017	RLB	6	\$ 350.00	\$ 2,100.00	Prepare and conduct deposition.
7/18/2017	RLB	1	\$ 350.00	\$ 350.00	Review research regarding viewpoint discrimination.
7/18/2017	RLB	2	\$ 350.00	\$ 700.00	Research regarding 30(b)(6) motion for sanctions.
7/18/2017	RLB	6	\$ 140.00	\$ 840.00	Travel to Madison.
7/19/2017	RLB	2.2	\$ 350.00	\$ 770.00	Research regarding deliberative process privilege.
7/21/2017	RLB	1.8	\$ 350.00	\$ 630.00	Research regarding deliberative process privilege.
7/24/2017	RLB	2.1	\$ 350.00	\$ 735.00	Research regarding summary judgment issues, including intent element.
7/24/2017	RLB	0.5	\$ 350.00	\$ 175.00	Conference with Attorneys Elliott and Grover regarding 30(b)(6) deposition.
7/25/2017	RLB	2	\$ 350.00	\$ 700.00	Work on summary judgment motion.
7/26/2017	RLB	3.5	\$ 350.00	\$ 1,225.00	Summarize depositions and work on summary judgment findings and facts.
7/27/2017	RLB	7	\$ 350.00	\$ 2,450.00	Work on summary judgment brief.
7/27/2017	RLB	0.4	\$ 350.00	\$ 140.00	Review deliberative process research from Attorney Grover.
7/28/2017	RLB	1.5	\$ 350.00	\$ 525.00	Review Abbott summary judgment motion; research viewpoint neutrality.
7/29/2017	RLB	2.1	\$ 350.00	\$ 735.00	Research regarding summary judgment response.
8/3/2017	RLB	2.4	\$ 350.00	\$ 840.00	Review Law Review articles on viewpoint discrimination.
8/7/2017	RLB	2.2	\$ 350.00	\$ 770.00	Research regarding viewpoint versus content discrimination.
8/9/2017	RLB	2	\$ 350.00	\$ 700.00	Research regarding viewpoint discrimination.
8/10/2017	RLB	3.4	\$ 350.00	\$ 1,190.00	Work on summary judgment response brief.
8/11/2017	RLB	5.2	\$ 350.00	\$ 1,820.00	Work on response to Abbott's summary judgment motion; work on Grover Declaration.
8/12/2017	RLB	0.5	\$ 350.00	\$ 175.00	Review Abbott summary judgment response filings.
8/13/2017	RLB	2	\$ 350.00	\$ 700.00	Research regarding viewpoint claims in public meetings.
8/15/2017	RLB	1.2	\$ 350.00	\$ 420.00	Review research.
8/16/2017	RLB	3.1	\$ 350.00	\$ 1,085.00	Drafting summary judgment reply brief.
8/17/2017	RLB	4.4	\$ 350.00	\$ 1,540.00	Work and finalize summary judgment brief.
9/29/2017	RLB	1.6	\$ -	\$ -	Update research. (No charge)
10/6/2017	RLB	0.5	\$ 350.00	\$ 175.00	Review summary judgment decision.
10/10/2017	RLB	0.4	\$ 350.00	\$ 140.00	Proposal to Attorney Mackin to finalize decision.
10/13/2017	RLB	0.2	\$ 350.00	\$ 70.00	Review response by Attorney Mackin to proposal.
10/18/2017	RLB	0.4	\$ 350.00	\$ 140.00	Review and respond to Attorney Mackin.
10/26/2017	RLB	1	\$ 350.00	\$ 350.00	Conference at FFRF regarding status and strategy.
11/29/2017	RLB	2	\$ 350.00	\$ 700.00	Update research.
12/12/2017	RLB	1	\$ 350.00	\$ 350.00	Update research regarding limited public forum.
12/15/2017	RLB	0.7	\$ 350.00	\$ 245.00	Attend to issues regarding appeal, including admission and appeal documents.
12/21/2017	RLB	0.5	\$ 350.00	\$ 175.00	Analyze strategies regarding finality/appeal.
1/26/2018	RLB	2	\$ 350.00	\$ 700.00	Update research regarding limited public forum and offensive speech.
1/31/2018	RLB	0.5	\$ 350.00	\$ 175.00	Review draft order from Attorney Mackin regarding final order.
2/5/2018	RLB	0.4	\$ 350.00	\$ 140.00	Review draft language to resolve appeal.
2/9/2018	RLB	0.5	\$ 350.00	\$ 175.00	Edits to proposed stipulation.
2/16/2018	RLB	0.4	\$ 350.00	\$ 140.00	Review Attorney Mackin's edits to stipulation.
3/2/2018	RLB	0.4	\$ 350.00	\$ 140.00	Finalize and file stipulation.
4/6/2018	RLB	0.5	\$ 350.00	\$ 175.00	Telephone conference with court regarding motion.
4/10/2018	RLB	0.4	\$ 350.00	\$ 140.00	Draft proposed stipulation.
4/18/2018	RLB	0.4	\$ 350.00	\$ 140.00	Review Texas counterproposal.
4/27/2018	RLB	1.3	\$ 350.00	\$ 455.00	Inquiry regarding proposed stipulation.
4/30/2018	RLB	0.3	\$ 350.00	\$ 105.00	Telephone conference with Attorney Mackin regarding stipulation.
5/2/2018	RLB	0.3	\$ 350.00	\$ 105.00	Telephone conference with Attorney Mackin regarding stipulation.
5/9/2018	RLB	0.4	\$ 350.00	\$ 140.00	Telephone conference with Attorney Mackin; research regarding Rule 41 dismissal.
6/25/2018	RLB	0.8	\$ 350.00	\$ 280.00	Work on fee petition.
6/27/2018	RLB	1.2	\$ 350.00	\$ 420.00	Work on fee petition.
6/29/2018	RLB	2.5	\$ 350.00	\$ 875.00	Work on fee petition.

TOTAL **431.35** **\$ 139,422.50**

EXHIBIT 2

<u>Date</u>	<u>Amount</u>	<u>Narrative</u>
6/15/2016	\$ 136.24	Hotels.com; Invoice # 061916; Hotel in Austin, TX to attend Motion Hearing on June 20, 2016
6/15/2016	\$ 891.20	Expedia.com; Invoice # 062016; flight to Austin, TX to attend Motion Hearing on June 20, 2016
6/27/2016	\$ 155.00	Richard L. Bolton - Travel Expenses (Airport Parking - \$20.00; Taxis in Austin - \$85.00; Checked Baggage - \$50.00) 06/19/16 - 06/20/16
6/27/2016	\$ 44.50	Richard L. Bolton - Food Expenses for Hearing in Austin, TX - 06/19/16 - 06/20/16
4/10/2017	\$ 930.08	Expedia.com; Flight to Austin, TX for Robert Davis deposition on 4/27/17
4/26/2017	\$ 182.87	Richard L. Bolton; Travel expenses from Robert Davis deposition in Austin, TX
4/26/2017	\$ 46.76	Richard L. Bolton; Invoice # 5679113034; Document copies from Robert Davis deposition in Austin, TX
5/30/2017	\$ 621.61	Expedia.com; Flight to Austin, TX for hearing on June 6, 2017
6/8/2017	\$ 396.50	Richard L. Bolton - Traveling Expenses for Deposition in Austin, TX (Hotel, Cab, etc.)
6/13/2017	\$ 922.68	Expedia.com; Flight to D.C. for Sneed deposition on 6/22/17
6/26/2017	\$ 99.85	Richard L. Bolton; Travel expenses for Sneed Deposition in Washington D.C. on 6/22/17
6/29/2017	\$ 451.60	American Airlines; Flight to Austin, TX for Office of the Governor Deposition on 7/18/17
7/21/2017	\$ 310.49	Richard L. Bolton - Travel Expenses for Austin, TX Dep on 7/18/17

TOTAL **\$ 5,189.38**

Client Expense Form

Date: 6/13/2017

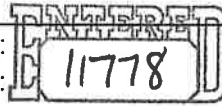
Requested by: NER

On Behalf of: RLB

Return to: _____

**Request
Type:**

- ☐ Quick Check
☐ Atty Wednesday Check
☐ A/P Invoice
☐ Suspense Acct.
☐ Online Services
☐ EDiscovery Software
☒ Credit Card
JM
☐ eFile Clerk of Courts

26318 (FFRF)	34	\$922.68
Client/Matter Name	Client/Matter Number	Amount
<input type="checkbox"/> Mileage Payable to: <u>Expedia.com</u> Description: <u>Flight to D.C. for Sneed Deposition on 6/22/17</u> Office use		
Expense Code:		
Date Entered:		
Batch #:		



A2816303.DOCX
Microsoft Word Document
340 KB

print view

EXHIBIT 3

Total Duration

4h 43m

Traveler(s)

[Back to top](#)

Richard Bolton

Frequent flyer and special assistance requests should be confirmed directly with the airline

Price Summary

[Back to top](#)

Expedia⁺

[Back to top](#)

Traveler 1: Adult ✕	\$914.60
Expedia Booking Fee	\$8.08
Total	\$922.68
View receipt	
All prices are quoted in USD	

On this trip you will collect 185 Expedia⁺ points

- 185 base points for this trip

For Expedia⁺ members
[See all your rewards](#)

Additional Information

[Back to top](#)

This price includes a nonrefundable booking fee.

Additional Fees

The airline may charge additional fees  for checked baggage or other optional services

Airline rules + restrictions

We understand that sometimes plans change. We do not charge a cancel or change fee. When the airline charges such fees in accordance with its

INVOICE

888-893-3767 / Reporting
713-460-2525 / Fax

Richard L. Bolton
Boardman and Clark, LLP
1 South Pinckney St., Ste. 410
Madison, WI 53701

Invoice No.	Invoice Date	Job No.
445191	5/5/2017	323289
Job Date	Case No.	
4/24/2017	1-16:CV-00233	
Case Name		
Freedom From Religion Foundation vs. Governor Greg Abbott and John Sneed		
Payment Terms		
Due upon receipt		

ORIGINAL AND 1 COPY OF TRANSCRIPT OF:

Robert Davis

938.30

(TAXABLE \$938.30)

TOTAL DUE >>> \$938.30

AFTER 6/4/2017 PAY \$952.37

INVOICE(S) DUE UPON RECEIPT AND IS NOT CONTINGENT UPON YOUR CLIENT'S PAYMENT.

ANY QUESTIONS ABOUT BILLING SHOULD BE RAISED WITHIN 15 DAYS OF RECEIPT OF INVOICE OTHERWISE THE BILLING WILL BE
DEEMED ACCEPTED AS PRESENTED AND PAID IN FULL.

WE APPRECIATE YOUR BUSINESS.

(-) Payments/Credits: 0.00

(+) Finance Charges/Debits: 0.00

(=) New Balance: \$938.30**Tax ID:** 46-4363191*Please detach bottom portion and return with payment.*

Richard L. Bolton
Boardman and Clark, LLP
1 South Pinckney St., Ste. 410
Madison, WI 53701

Invoice No. : 445191
Invoice Date : 5/5/2017
Total Due : \$938.30

Remit To: **Lexitas (formerly DepoTexas, Inc.)**
P.O. Box 4227
Houston, TX 77210-4227

Job No. : 323289
BU ID : AUS-DT-R
Case No. : 1-16:CV-00233
Case Name : Freedom From Religion Foundation vs.
Governor Greg Abbott and John Sneed

EXHIBIT 4

INTEGRITY

legal support solutions

P.O. Box 245 | Manchaca, Texas 78652

INVOICE

Date	Invoice #
6/12/2017	13670.1

Bill To
Boardman & Clark, LLP Richard L. Bolton 1 S. Pickney St., Ste 410 Madison, Wisconsin 53701-09279

Cause No.
1:16-CV-00233-SS
Style
Freedom from Religion Foundation, Inc. vs. Governor Greg Abbott, et al.

All invoices are due and payable in Travis County, Texas.

Checks can be made payable to Integrity Legal Support Solutions, sent to the address listed above.

Tax ID No. 26-4073074 HUB No. 1201005853000

Terms
Prepayment

Date	Description				
5/26/2017	<p>Copy of Transcript - Samuel Grover, Annie Laurie Gaylor Exhibits and Tabs Scanned Exhibits - No Charge Condensed Transcript with Index Binding Electronic Copy of Transcript/ASCII Shipping/Handling - Prepayment Subtotal - 840.50</p> <p>Video Duplication DVD Media and Archiving Subtotal - 355.00 Sales Tax - Non-Taxable Legal Services</p> <p style="text-align: right;">Use Tax 2071-0-00-000 (65.15)</p> <hr/> <p style="text-align: right;">1261.25</p>				
Phone No.	Fax No.	Web Site		TOTAL	\$1,195.50
512-320-8690	512-320-8692				



info@integrityvoice by credit card or bank draft,
-texas.com link within the body of the email.

INVOICE

Alderson®
COURT REPORTING
 800 357 3376 | WWW.ALDERSONREPORTING.COM

Richard L Bolton
 Boardman Clark
 1 S. Pinckney Street
 Suite 410
 P.O. Box 927
 Madison, WI 53704

Invoice No.	Invoice Date	Job No.
95870	6/30/2017	71493
Job Date	Case No.	
6/22/2017	1-16: CV-00233	
Case Name		
Freedom From Religion Foundation, Inc. v. Governor Greg Abbott and Rod Welsh		
Payment Terms		
Due upon receipt (1.5%/mo & collection)		

1 CERTIFIED COPY OF TRANSCRIPT OF:

John Sneed

Weekend/Evening Surcharge

Processing Fee

98.00	Pages	@	3.95	387.10
18.00	Pages	@	0.99	17.82
1.00		@	55.00	55.00

TOTAL DUE >>> \$459.92

We appreciate your business.

(-) Payments/Credits: 0.00

(+) Finance Charges/Debits: 0.00

(=) New Balance: 459.92

Use Tax

2071-0-00-000 (21.29)

481.21

Tax ID: 53-0257990

Please detach bottom portion and return with payment.

Richard L Bolton
 Boardman Clark
 1 S. Pinckney Street
 Suite 410
 P.O. Box 927
 Madison, WI 53704

Job No. : 71493 BU ID : DC-Local
 Case No. : 1-16: CV-00233
 Case Name : Freedom From Religion Foundation, Inc. v.
 Governor Greg Abbott and Rod Welsh
 Invoice No. : 95870 Invoice Date : 6/30/2017
Total Due : \$459.92

Remit To: **Alderson Reporting Company, Inc.**
Alderson Court Reporting
Dept. CH 14409
Palatine, IL 60055

PAYMENT WITH CREDIT CARD

Cardholder's Name:

Card Number:

Exp. Date:

Phone#:

Billing Address:

Zip:

Card Security Code:

Amount to Charge:

Cardholder's Signature:

Email:



883-898-3767 / Reporting
713-468-2525 / Fax

Richard L. Bolton
Boardman and Clark, LLP
1 South Pinckney St., Ste. 410
Madison, WI 53701

INVOICE

Invoice No.	Invoice Date	Job No.
454026	7/25/2017	331852
Job Date	Case No.	
7/18/2017	1-16:CV-00233	
Case Name		
Freedom From Religion Foundation vs. Governor Greg Abbott and John Sneed		
Payment Terms		
Due upon receipt		

ORIGINAL AND 1 COPY OF TRANSCRIPT OF:

John Reed Clay, Jr., 30(b)(6)

876.60

TOTAL DUE >>> \$876.60

AFTER 8/24/2017 PAY \$889.75

*****WE, AT DEPOTEXAS, HAVE CHANGED OUR NAME TO LEXITAS...THE SAME AMAZING PROFESSIONAL STAFF WITH THE SAME OUTSTANDING SERVICES. THIS CHANGE DOES NOT AFFECT OUR TAX-ID INFORMATION. PLEASE VISIT US at www.Lexitaslegal.com *****

INVOICE (S) DUE UPON RECEIPT AND IS NOT CONTINGENT UPON YOUR CLIENT'S PAYMENT.

ANY QUESTIONS ABOUT BILLING SHOULD BE RAISED WITHIN 15 DAYS OF RECEIPT OF INVOICE OTHERWISE THE BILLING WILL BE DEEMED ACCEPTED AS PRESENTED AND PAID IN FULL.
WE APPRECIATE YOUR BUSINESS.

Tax ID: 46-4363191

Please detach bottom portion and return with payment.

Richard L. Bolton
Boardman and Clark, LLP
1 South Pinckney St., Ste. 410
Madison, WI 53701

Job No. : 331852 BU ID : AUS-DT-R
Case No. : 1-16:CV-00233
Case Name : Freedom From Religion Foundation vs.
Governor Greg Abbott and John Sneed
Invoice No. : 454026 Invoice Date : 7/25/2017
Total Due : \$ 876.60
AFTER 8/24/2017 PAY \$889.75

Remit To: **Lexitas (formerly DepoTexas, Inc.)**
P.O. Box 4227
Houston, TX 77210-4227

PAYMENT WITH CREDIT CARD



Cardholder's Name:

Card Number:

Exp. Date:

Phone#:

Billing Address:

Zip:

Card Security Code:

Amount to Charge:

Cardholder's Signature:

Email:

<u>Date</u>	<u>Amount</u>	<u>Narrative</u>
1/6/2016	\$ 98.84	Online Research
1/6/2016	\$ 1,298.19	Online Research
1/6/2016	\$ 45.25	Online Research
5/3/2016	\$ 513.18	Online Research
5/3/2016	\$ 58.20	Online Research
5/3/2016	\$ 782.05	Online Research
5/3/2016	\$ 825.38	Online Research
5/3/2016	\$ 641.55	Online Research
5/3/2016	\$ 343.97	Online Research
5/6/2016	\$ 279.78	Online Research
5/9/2016	\$ 274.72	Online Research
5/10/2016	\$ 10.23	Online Research
5/16/2016	\$ 583.22	Online Research
5/18/2016	\$ 394.40	Online Research
5/20/2016	\$ 771.82	Online Research
5/24/2016	\$ 21.80	Online Research
5/25/2016	\$ 52.43	Online Research
5/26/2016	\$ 390.17	Online Research
6/22/2016	\$ 329.37	Online Research
6/24/2016	\$ 454.36	Online Research
6/27/2016	\$ 510.55	Online Research
6/29/2016	\$ 18.03	Online Research
6/30/2016	\$ 79.58	Online Research
7/1/2016	\$ 54.66	Online Research
8/16/2016	\$ 243.36	Online Research
8/17/2016	\$ 237.39	Online Research
8/18/2016	\$ 221.59	Online Research
9/17/2016	\$ 188.07	Online Research
9/18/2016	\$ 73.88	Online Research
9/26/2016	\$ 325.26	Online Research

TOTALS **\$ 10,121.28**

EXHIBIT 5

EXHIBIT 6

SUMMARY OF ATTORNEY BOLTON'S ADJUSTED TIME AND EXPENSES REQUESTED BY FEE PETITION

	TOTALS
1. Attorney Bolton Time:	
313.35 Hours (\$350 per hour)	\$109,672.50*
2. 55 Hours of Travel Time (\$140 per Hour)	\$7,700
3. Attorney Bolton Travel Expenses:	\$922.68
4. Deposition Transcripts:	\$3,557.36**
5. Westlaw Online Research	\$3,500.00
6. Filing Fee:	<u>\$400.00**</u>
<u>TOTAL</u>	<u>\$125,752.54</u>

* - Attorney Bolton's non-travel time has been discounted from 376.35 hours.

** - Transcript and filing costs are also included on the Bill of Costs and should not be double counted.